UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number:  04-10246-PBS

|  |  |
|---|---|
| UNITED STATES OF AMERICA | ) |
|  | ) |
|  | ) |
| v. | ) |
|  | ) |
| BRIAN TODD and | ) |
| SHAUN TODD | ) |
|  | ) |

**MOTION IN LIMINE**
**(Alleged Admissions of Shaun Todd Against Brian Todd)**

NOW COMES the defendant in the above-entitled matter and hereby moves the

Court for an order prohibiting the Government from introducing evidence relative to, or

commenting about, alleged admission of the defendant, Shaun Todd to Taryn Tinkham,

as it relates to the activity of Brian Todd.

In support of the within Motion, the defendant states as follows:

1.      A Government witness, Taryn Tinkham, intends to testify that the

defendant, Shaun Todd, told her that he was asked by his brother, the

defendant Brian Todd, to drive him to a bank and wait for him.  This

witness will further testify that Shaun Todd stated he did, in fact, drive his

brother Brian Todd to a bank, waited for him, and drove him away from

the bank.

2.      The alleged admissions of the defendant, Shaun Todd, do not satisfy the

conditions set forth in Fed. R. Evid. , 801 (d)(2)(E).  See also U.S. v.

Petroziello 548 F. 2d 20, 23 (1st Cir. 1977), U.S. v. Baines, 812 F. 2d 41,

42 (1st Cir. 1987).

3.      The alleged admission of the defendant, Shaun Todd, also violate the

defendant Brian Todd's rights under the Confrontation Clause.  Bruton v.

U.S., 391 123 (1968).


Dated:  September 25, 2005

                                        RESPECTFULLY SUBMITTED
                                        FOR DEFENDANTS
                                        BY THEIR ATTORNEY

                                        /s/ Scott F. Gleason
                                        Scott F. Gleason, Esquire
                                        GLEASON LAW OFFICES, P.C.
                                        163 Merrimack Street
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                        CERTIFICATE OF SERVICE

I, Scott F. Gleason, Esquire, do hereby certify that I have this date filed a copy of the within Motion In Limine (Alleged Admissions of Shaun Todd Against Brian Todd) to Donald L. Cabell, Assistant U.S. Attorney at the United States District Court, Boston, MA by electronic filing.

Dated:  September 25, 2005

                                        /s/ Scott F. Gleason
                                        Scott F. Gleason, Esquire